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22

23 UNITED STATES DISTRICT COURT  
24 NORTHERN DISTRICT OF CALIFORNIA  
25 SAN JOSE DIVISION

26 CATERPILLAR INC., a Delaware  
27 Corporation,

28 Plaintiff,

v.

29 RENN TRANSPORTATION COMPANY,  
30 a California General Partnership, RENN  
31 TRANSPORTATION, INC., a California  
32 Corporation, BRAD RENN, PATRICIA  
33 RENN, ANN RENN and, ROBERT  
34 RENN, individuals, and Does 1-10,

35 Defendants.

36 Case No. 5:06-CV-04529

37 **STIPULATION AND PROPOSED ORDER  
38 FOR RELIEF FROM SCHEDULING ORDER**

39 **(Local Rule 16-2(D))**

1 By signatures of their counsel to this Stipulation, the parties to this action stipulate and  
 2 request that the deadlines set forth in this Court's July 5, 2007 Scheduling Order be continued as  
 3 set forth in the schedule below.

4 The parties desire to continue the dates set forth in the Scheduling Order for the following  
 5 reasons:

6 1. On March 20, 2007, the parties conducted an all day mediation session before the  
 7 Hon. Ellen Sickles James at JAMS. Although the parties did not resolve the dispute at the March  
 8 20, 2007 mediation, the parties agreed to and did reconvene for a second mediation session on  
 9 May 3, 2007. The parties, with the assistance of Judge James, have continued discussions and are  
 10 optimistic that they will resolve their disputes. They are negotiating the final terms of a  
 11 settlement agreement. Counsel for all parties desire to devote their time, energies, and resources  
 12 to their efforts to resolve this matter, rather than expend resources completing tasks necessary to  
 13 comply with the rapidly approaching deadlines (including discovery, expert witness, and  
 14 dispositive motion deadlines) set forth in the Court's July 5, 2007 Scheduling Order.

15 2. This Stipulation and Proposed Order is not interposed for purposes of delay but in  
 16 the interests of justice and the resolution of the controversies herein.

### 17 Case Schedule

18 Counsel for all parties have conferred with respect to these matters, and all parties agree to  
 19 continue the dates set forth in the Court's prior Schedule as reflected below:

<b>20 Defendants' Response to Third Amended Complaint</b>	<b>July 31, 2007</b> (continued from July 17, 2007)
<b>22 Disclosure of Expert Witnesses</b>	<b>September 11, 2007</b> (continued from August 27, 2007)
<b>23 Rebuttal Expert Witness Disclosures</b>	<b>October 1, 2007</b> (continued from September 17, 2007)
<b>25 Last Day For Hearing On Objections To Qualifications Or Testimony Of Expert</b>	<b>November 5, 2007</b> (continued from October 22, 2007)
<b>27 Close of All Discovery</b>	<b>November 12, 2007</b> (continued from October 29, 2007)

<b>Last Day For Hearing Dispositive Motions</b>	<b>December 17, 2007</b> (continued from December 3, 2007)
<b>Preliminary Pretrial Conference Statements</b>	<b>February 1, 2008</b> (continued from January 18, 2008)
<b>Preliminary Pretrial Conference at 11:00 a.m.</b>	<b>February 11, 2008</b> (continued from January 28, 2008)

Dated: July 17, 2007 FOLGER LEVIN & KAHN LLP

FOLGER LEVIN & KAHN LLP

*/s/ Roger B. Mead*

Roger B. Mead

## Attorneys for Defendants

Renn Transportation Company, Renn Transportation, Inc. Brad Renn, Patricia Renn, Ann Renn and Robert Renn

Dated: July 17, 2007 SEDGWICK, DETERT, MORAN & ARNOLD LLP

SEDGWICK, DETERT, MORAN & ARNOLD LLP

*/s/ Randall G. Block*

Randall G. Block

Attorneys for Plaintiff Caterpillar, Inc.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HERBY ORDERED that the schedule set forth in this Stipulation and Proposed Order is hereby adopted by the Court and the parties are directed to comply with this Order.

Dated: July 18, 2007

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## The Honorable James Ware